REMARKS

The applicant does not appear to have received a checked-off copy of the information disclosure statement submitted with an RCE and reply to office action on February 28, 2006. More recent IDSs were checked-off and attached to the current office action. The applicant respectfully asks that the examiner confirm that the references cited in the February 28, 2006 IDS have been considered and provide the checked-off IDS in the next office communication.

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

2, Claims 96-98 and 113 - 120 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
Claims 96 - 98 and 113-120 are directed to program instructions stored in a machine-readable medium. A program instruction is a non-statutory subject matter unless it is stored in a computer-readable medium.

Without conceding the examiner's position, the claims have been amended.

4, Claims 35, 50, 93, 99, 67, 79, 80 and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by ZIV. Noam, A. (WO 98/09460).
(1) with regard to claims 35, 50, 93, and 99:

Noam discloses a method and system, comprising: enabling many-to-many communication among radio network controllers (BSCs, 12A- 12C and 22A-22C in Fig. 2) and radio nodes (BTSs, 14A - 141 and 24A - 241 in Fig. 2) through a packet network (CIS, 26 in Fig. 2);

establishing a first traffic channel between a first access terminal and a first radio network controller of the network through a first radio node when the first access terminal is in a coverage area of the first radio node (when remote unit 34 is in the coverage area of a first radio node 14E, a first traffic channel between the remote unit and a first radio network controller 12B is established through the first radio node 14E);

establishing a second traffic channel between a second access terminal and a second radio network controller of the network through a second radio node when the second access terminal is in a coverage area of the second radio node (when the remote unit 34 or another remote unit is in the coverage area of a second radio node for example 14A, a second traffic channel between the remote unit and a second radio network controller 12A is established through the first radio node 14A);

maintaining the first traffic channel without requiring the first traffic channel to pass through another radio network controller when the first access terminal moves from the coverage area of the first radio node to any portion of the coverage area of the second radio node (when a remote unit moves from the coverage area of 14E to the coverage are of 14A, the remote unit can still be using 12B and no passing through of another radio network controller; see page 6, line 5 - page 7, line 7).

[paragraphs added]

The applicant notes that it is in agreement with the examiner as to the correspondence between terms in the claims and terms in Ziv, that is, "BTS" corresponds to a "radio node," "BSC" corresponds to a "radio network controller," and "CIS" is a "packet network." For convenience, the applicant uses the claim terms when describing both the claims and Ziv's disclosures.

As to the applicability of Ziv to the claims, claims 35, 50, 96, and 99 have been amended to depend on claims 36, 79, 97, and 100, respectively. Claims 36, 79, 80, 92, 93, 97, and 100 have been amended and are patentable for at least the same reasons as claim 67, to which the applicant now turns.

> **(2) with regard to claims 67, 79, 80, and 92:**
> **Noam [sic, Ziv] discloses a method and system, comprising: simultaneously enabling a radio node (14A on Fig. 2) serve both a first dormant access terminal (a remote terminal that is inside the coverage area of 14A) and a second dormant access terminal (another remote terminal inside the coverage area of 14A), the first access terminal having a session with a first radio network controller (12A on Fig. 2) and the second access terminal having a session with a second radio network controller (12B on Fig. 2; see page 6, line 31 - page 7, line 7), the radio node being interconnected with the radio network controllers using a packet network (26 on Fig. 2).**

The applicant disagrees. Ziv describes what happens when a radio network controller fails (p. 6, lines 20-30) and when a radio network controller is over capacity (p. 6, line 31 – p. 7, line 2). Ziv, however, is concerned with routing connected calls, and does not address dormant access terminals. Claim 67 recites enabling a radio node to serve a first and a second "dormant access terminal," the two dormant access terminals having "session[s]" with respective first and second radio network controllers. It is clear from claim 67 that a "session" as claimed is not an "initiated connection" as discussed in Ziv, as the access terminals having the *sessions* are *dormant*. A "dormant" access terminal is not one having an "initiated connection" (compare application, p. 13, line 23–p. 14, line 24, to Ziv, p. 6).

Ziv does not describe, and would not have made obvious, a radio node handling dormant access terminals at all, let alone enabling a radio node to serve "a first dormant access terminal and a second dormant access terminal" having sessions with respective first and second radio network controllers.

6. Claims 102 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZIV. Noam, A. (WO 98/09460).
(1) with regard to claims 102 and 121:
Noam discloses a system and method, comprising: at a radio node in communication with a first radio network controller (12A on Fig. 2) and a second radio network controller (12B on Fig. 2) through a packet network (26 on Fig. 2) that enables many-to-many communication, routing access channel packets received from an access terminal (34 on Fig. 2) to a selected one of either the first radio network controller or the second radio network controller. Noam however does not teach using Internet protocol address for addressing radio network controllers.
The Examiner takes Official Notice that the use of the Internet protocol and Internet protocol address is well known in the art and it would have been desirable to use it because it is readily accessible and widely used in the industry thus makes it cost effective to implement. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Internet protocol addresses.

Claims 102, 113, and 121 have been amended to depend on claim 67 and new claims 129 and 130, respectively, which are patentable for at least the same reasons as claim 67.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The fees in the amount of $230 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 12144-007001.

Respectfully submitted,

Date: 11-2-07

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